

**Congress of the United States**  
**Washington D.C. 20515**

August 4, 2020

Jamie Connell  
State Director  
Colorado Bureau of Land Management  
2850 Youngfield Street  
Lakewood, CO 80215

CC: Keith Berger  
Field Manager  
Royal Gorge Field Office  
3028 E. Main St., Canon City, CO

Dear Ms. Connell:

I write to you today regarding the Bureau of Land Management's approval of exploratory activities to be conducted by Zephyr Gold USA Ltd. within Grape Creek, which has been designated a Wilderness Study Area and proposed wilderness in my Colorado Wilderness Act (H.R. 2546). It is my understanding that, as a Wilderness Study Area (WSA), Grape Creek is subject to §43 CFR 3802 et seq. and therefore that these activities require a Plan of Operations that must be released for public comment and analyzed according to the requirements of the National Environmental Policy Act. I am concerned that these proposed activities will irreparably damage the beauty, natural values, open space, and wildlife habitat of the land. I am also concerned about the precedent this may set for the management of other WSAs across the country.

Grape Creek was designated as a WSA in 1980 because of its serene waters, which flow into the Wet Mountain Valley of Southern Colorado. The creek is responsible for nearly all the snowmelt that comes through the valley, creating a lush habitat with diverse vegetation and wildlife. These factors create a pristine environment that is a haven for both fish and fisherman alike. The Grape Creek unit included in my bill is majority managed as WSA, except for a small portion of Forest Service land, included for continuity. The unit has been included in my bill in every Congress since 1999.

Recently, the staff of a key public lands organization in Colorado, Wild Connections, brought to my attention that the Colorado BLM has determined that the proposed exploration activities in Grape Creek do not require a Plan of Operations and that they have authorized Zephyr Gold USA Ltd. to proceed with drilling in Section 21 of the WSA.

Since then, through proceedings held before the Mined Land Reclamation Board (MLRB) on Wednesday, July 22, Zephyr provided additional information and new documentation about its exploration activities to be conducted in the WSA, primarily the inclusion of helicopter landing sites and pads. In sworn testimony before the MLRB on July 22, Zephyr's representatives

provided new information and testified that landing pads will be built for helicopters and aircraft will land on those pads at the sole discretion of the pilots based on safety and other considerations. Helicopters will deliver drilling equipment to the drilling sites but will also deliver water pumps, tanks and materials in order to facilitate water withdrawals from Grape Creek and the installation of a water line. Under §43 CFR 3802 et seq., the landing of aircraft within designated Wilderness Study Areas requires a Plan of Operations.

As you are aware, §3802.0-2 of the Federal Land Policy and Management Act of 1976 at §43 U.S.C. 1732 et seq., requires BLM to prevent impairment of the suitability of wilderness lands that would prevent future designation as wilderness and, additionally, to prevent unnecessary or undue degradation of the lands from any mining activities, including exploration. An approved Plan of Operations and complete NEPA analysis are required for “any mining operations which involve construction of means of access, including ... landing areas for aircraft” under §3802.1-1(a).

As you well know, WSAs are held, managed, and preserved until Congress determines their ultimate designation as wilderness. Since 1999 I have introduced legislation to protect some of the last wild areas in our state, the Colorado Wilderness Act. The areas in the bill, including Grape Creek, were identified by citizen volunteers including members of Wild Connections. These citizen volunteers conducted a thorough inventory of the wilderness characteristics of land throughout the state, eventually developing the Citizens wilderness plan upon which my legislation is based. I would also note that the House of Representatives has now passed legislation to designate Grape Creek as a Wilderness area twice this Congress.

Your charge is to protect these areas’ wilderness qualities, mine is to pass the legislation officially designating them as wilderness. While your staff has assured mine that there will not be impairment to this area, I do not believe that the long-term impacts for these activities, especially the aircraft landing areas, have been properly considered. Given the widespread support in Colorado for designating this area as wilderness, I respectfully request that you re-assess your lack of action on the exploratory drilling in the Grape Creek Wilderness Study Area until these discrepancies have been reviewed and proper analysis has been conducted on the long-term impacts.

I ask that you take these actions immediately and respond to my office by August 11<sup>th</sup> with a plan of action that takes the long-term impacts on this area into adequate consideration. Please contact Kaila Hood ([Kaila.Hood@mail.house.gov](mailto:Kaila.Hood@mail.house.gov)) and Matthew Allen ([Matthew.Allen@mail.house.gov](mailto:Matthew.Allen@mail.house.gov)) of my office with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Diana DeGette".

Diana DeGette  
Member of Congress